

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13911 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

-----  
CHAVDA R. RANUBHA THROUGH LEGAL REPRES.

Versus

STATE OF GUJARAT

-----  
Appearance:

MR BJ JADEJA for Petitioners

Mr A.G.Uraizee, AGP, for the Respondents.

-----  
CORAM : MR.JUSTICE J.N.BHATT

Date of decision: 16/04/96

ORAL JUDGEMENT

In Tenancy Case No.262/76, the respondent No.2 Mamlatdar and ALT by his order dated 27.4.82 declared Survey No.577 admeasuring 5 acres and 24 gs. belonging to the petitioners as surplus in view of the provisions of section 20 and 21 of the Gujarat Agricultural Lands Ceiling Act, 1960 (Act). Appeal No.9/85 was filed before the Deputy Collector, Dhrangdhra by petitioner which came

to be dismissed on 9.1.86. Revision Application No.223/86 was filed against the order of the Deputy Collector which also came to be dismissed on 4.8.89.

2. Petitioner No.3 one Chavda Jambha Jatubha filed appeal No.6/89 before the Deputy Collector, Dhrangdhra under section 35 of the Act contending that the decision rendered in Tenancy Case No.262/76 and confirmed in revision was not binding to him as he was not made party in the said proceedings. The appeal came to be rejected on 30.5.90 against which revision No.602/90 came to be filed which also came to be rejected on 13.7.93 by the Gujarat Revenue Tribunal. Hence this petition under Article 226/227 of the Constitution of India.

3. Having regard to the facts and circumstances emerging from the record of the present case, the findings of facts recorded by the three authorities below consistently and concurrently are justified and there is no merit in this petition. The jurisdictional scope of a petition under Article 226/227 of the Constitution of India is very much circumscribed. No illegality is spelt out. No misreading of evidence is shown. In the circumstances, this petition is meritless and therefore it is required to be rejected. Accordingly, it is rejected. Rule discharged. Interim relief, obviously, shall stand vacated. There shall be no order as to costs.

\*\*\*\*\*